

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,

Defendants.

Case No. 5:17-CV-11149-JEL-EAS

Judge Judith E. Levy

Magistrate Judge Elizabeth A. Stafford

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**AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN’S MOTION TO  
ADJOURN HEARING**

Plaintiff American Civil Liberties Union of Michigan (“Plaintiff”), through their attorneys, respectfully requests an order adjourning the January 28, 2019 Miscellaneous Hearing and in support states as follows:

1. On October 26, 2017, the Court ordered the parties to submit supplemental briefing on two issues: the production of native Microsoft Excel files and the production of records from Defendants’ TECS system database.

2. The parties completed their supplemental briefing in December 2017: Plaintiff submitted its supplemental brief on November 9, 2017; Defendants responded on November 28, 2017; and Plaintiff filed a reply brief on December 8, 2017.

3. Since the completion of the supplemental briefing, the parties have engaged in good faith efforts to resolve the issues identified and discussed in the supplemental briefing as well as other points of disagreement between the parties.

4. The parties provided periodic joint status reports to update the Court on these efforts and the ongoing rolling document productions. On November 30, 2018, the parties filed the most recent Joint Status Report (the “November 2018 JSR”). In the November 2018 JSR, the parties summarized continued disagreement on a number of issues, including those fully briefed in the supplemental briefing.

5. On December 12, 2018, the Court issued a Notice to Appear ordering the parties to appear for a Miscellaneous Hearing regarding the November 2018 JSR.

6. On January 11, 2019, counsel for Plaintiff reached out to counsel for Defendants to discuss case status and to seek a joint adjournment of the pending hearing. Counsel for Plaintiff received an automatic reply from counsel for Defendants stating that “[t]he appropriation that funds [her] salary has lapsed, and as a result [she has] been furloughed and [is] currently out of the office.”

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an order adjourning the Miscellaneous Hearing for two months, setting the hearing for Thursday, March 28, 2019, or as soon thereafter as the parties may be heard.

Respectfully submitted,

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Dated: January 11, 2019

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AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,

Defendants.

Case No. 2:17-CV-11149-JEL-EAS

Judge Judith E. Levy

Magistrate Judge Elizabeth A. Stafford

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**BRIEF IN SUPPORT OF AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN'S MOTION TO ADJOURN HEARING**

For its Brief in Support of its Motion to Adjourn Hearing, Plaintiff American Civil Liberties Union of Michigan relies on Fed. R. Civ. P. 6(b) and its Motion.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that on January 11, 2019, a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

Respectfully submitted,

By: /s/ Andrew M. Pauwels

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